

Y2K1: A BANKRUPTCY ODYSSEY

[Cue the music, cue the black obelisk with a green \$, cue the red circle with a / surrounding the \$ which alternately comes into focus and then slowly fades to black, cue Congresspeople randomly scrambling around the obelisk's base] And the Oscar for best supporting actors/actresses in a chaotic role may eventually go to - EACH ONE OF US!

Of course "may" becomes "will" if we get new legislation. No matter what, you AND your excellent staff should definitely read on to learn about other important tidbits AND the new primary medium for disseminating those bits!

GENERAL ORDER (G.O.) #01-1

Can you believe there were no G.O.s in 2000? Neat, eh? Of course the penalty is this big one in '01.

Two cornerstone components are updated Local Forms for the Ch. 13 Plan (LBF #1300) and Confirmation Order (LBF #1350). These will replace all previous versions of each (e.g., #s 1300.1 & 1350.1). PLEASE NOTE: Return envelopes for the debtor and any debtor's attorney are also now required with the Order, along with ones for named creditors! You are more than welcome to use these two LBFs now, but be warned, they will be MANDATORY for ALL purposes on and after 6/1/01!

By the way, those two forms are available in a "fillable" PDF format on our Web site. You can download them to your disk and fill them out in the comfort of your own office, or simply fill out and print them as you sit at the site. While you can do all the above for free, you will need to spend a buck or two if you want to save your completed forms to disk. Of course you can also make blank copies if your typewriter is lonely. It's a pretty cool format, so give it a try!

Pt. 8 brings an important requirement similar to that currently in effect in the district court. Specifically, on and after 5/1/01, an Ownership Disclosure Statement must be filed in certain circumstances.

All other points were effective upon entry. "All other" covers retention of secured property without reaffirmation, the Ch. 11 claim deadline, disposition of funds in cases converted/dismissed from Ch. 13, relief from automatic stay regarding property to be surrendered, Ch. 7 trustee sales of publicly held securities, and requests to receive notices electronically.

I strongly urge you to get copies of this G.O. and the new LBFs from our WEB SITE AT www.orb.uscourts.gov! Not only is this method **FREE**, but you are going to have to get used to it sooner than later to avoid missing out on a lot of information!

On the other hand, if you are absolutely, totally not quite ready for the Internet, you will have this one additional opportunity to either come by one of our offices or send a self-addressed and stamped (with \$.76) 9"x12" envelope to us for a hard copy. **ONE PER FIRM PLEASE!!**

WEB SITE! WEB SITE! WEB SITE! (aka www.orb.uscourts.gov)

I can't say it three times fast, **BUT** I do know you are taking your Oregon Bankruptcy Court life in your hands if you don't regularly sneak at least a quick peek at our Web site (did I mention it was at www.orb.uscourts.gov?) to see if we, or Congress, conjured up something new with which to harass you!

Budget tightening has dramatically reduced our available resources. Thus, I can't whip up and mail out one of these masterpieces every time something new pops up. Unfortunately that doesn't mean our popcorn machine isn't functioning and spitting out a new tidbit every so often.

In Y2K alone our Web site notified and/or brought you things such as Internet, real-time access to all our case data for a very modest fee via WebPACER; updated BAP Rules; an ADR Mediator List; service procedures for adversary proceedings and Ch. 13 plans; efficient "virtual courtrooms" in PDX in the form of a new "Meet Me" style telephone procedure for hearings (e.g., relief from stay); answers to FAQs (i.e., Frequently Asksed Questions for the uninitiated) including federal judgment interest rates; unclaimed funds reports and a petition form; miscellaneous Local Forms (LBFs) (though I believe only the one regarding "Meet Me" hearings is mandatory); and some fee increases dictated by the mother ship in D.C.

Already in Y2K1 we have given you a head's up on, and a link to, the new Statement of Financial Affairs official form (#7) whose use will be MANDATORY on 5/1/01; more annoying fee changes; and, of course, G.O. #01-1 along with the updated Ch. 13 Plan and Confirmation Order LBFs.

You want a preview of coming attractions? Well, in addition to tracking changes (e.g., the ominous specter of new legislation), we are working on more neat stuff such as adding our judges' opinions and summaries, and any resulting appellate opinions, since the early '90s in a searchable PDF format (due 6 or 7/01); links between the G.O.s & LBRs & maybe LBFs; links to other interesting

sites; and eventually general reformatting of the site. Regarding the latter, feel free to write or call me if you have any ideas and I will see what we can do when time permits.

LOCAL FORMS (aka LBFs)

The Web site includes some LBFs that are not mandatory, but whose use may help you or, perhaps more importantly, are recommended by the judges. Two of the latter, created 11/14/00, are #718 (Reaffirmation Coversheet) and #1114 (Prof. Rule 2014 Statement). HOWEVER, the MOST HIGHLY RECOMMENDED LBF for use (get the hint?) is #763.2 (Objection to Claim - 8/1/99)!

LBF #1340 - CH. 13 CERT. RE: TAX RETURNS AND PROOF OF INCOME

TWO IMPORTANT THINGS to remember about this LBF are: (1) the DEBTOR(S) must sign, **NOT** the attorney; **AND** (2) no matter when filing, ALWAYS file an original AND two copies! What's nice is that if you do this for us, we don't have to annoy you. What's not so nice is that legislation may reduce or eliminate the need for this form by creating a tax return filing nightmare.

ELECTRONIC RECEIPT OF BANKRUPTCY NOTICES

As you may or may not know, you can now choose to receive our bankruptcy notices via Internet e-mail or transmitted as a fax. You will even receive such notices a day before the paper notices are actually mailed! This is called Electronic Bankruptcy Noticing, and I urge you to check out our national noticing center's Web page @ www.EBNuscourts.com for detailed information about this new free service! You can also call the noticing center toll-free at 1-877-837-3424 for free technical support.

To request this service you need to complete and sign an appropriate agreement which you may obtain from our Electronic Noticing Coordinator, Rose Thrush, at (503)326-2231 x143. Finally, for those of you super high-volume types, EDI access is also available (if you don't know what I'm talking about, you probably don't want to).

PENDING LEGISLATION

Oh yes, this little thing that already has precautionary, defensive filings flowing in, and sadly the potential for one heck of a lot of work. First, since I am a big chicken, I haven't even looked at it yet. For those who are more secure, or just plain crazy, I understand the status can be followed in the ether @ <http://thomas.loc.gov>. One apparently can also obtain a side-by-side comparison of the House & Senate bills with the changes incorporated into the Code @ <http://dpw.com/bankruptcyreform/>. The

good news I see in all this is that if you can get there, you can get to our Web page.

ELECTRONIC FILING

More good news and bad. The good being that it is coming, and we are positioning ourselves to be ready. Unfortunately my guess is the first step, partial to full imaging, will take about 12-18 months; actual electronic filing to follow some 6 months later. We will keep you posted regarding significant developments on this exciting new technology.

CONCLUSION

Exhausted yet? I am, so suffice it to say you better become a dot person and begin logging on to our Web site in order to keep up with us and avoid becoming the weakest link. Goodbye!

DATED: April 19, 2001

T. Dunn
Clerk, U.S. Bankruptcy Court